IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 8752 of 2005

Between:

M.Ravinder, S/o.M.Yadagiri
Narkatpally bus Depot, Nalgonda District.

..... PETITIONER

AND

The Depot Manager,

APSRTC, Narkatpally Bus Depot,

Nalgonda Dist.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondent in imposing the punishment of deferment of annual increment of the petitioner for a period of two years which shall have effect on petitioner's future increments as illegal, arbitrary unjust and unreasonable and violative of principles of natural justice and also contrary to the judgments of this Hon'ble court and apex court by setting aside the final order No.Typiest/95(61) /97-NKP dated 19-12-1997 of the respondent herein and consequently direct the respondent to add the increments which were postponed and pass such other order or orders.

Counsel for the Petitioner :Mr.P.VENKATESWAR RAO

Counsel for the Respondent : Mr.V.T.M.PRASAD

The Court at the admission stage made the following:

ORDER:

Seeking to declare the action of the respondent in imposing the punishment of deferment of annual increment of the petitioner for a period of two years which shall have effect on petitioner's future increments as illegal, arbitrary and also for a consequential direction to the respondent to add the increments which were postponed, the present writ petition is filed.

2. The petitioner is working as a Conductor in the respondent Corporation. He was charged on 27-10-1997, for certain irregularities in discharging his duties. He submitted his explanation, but the respondent without considering his explanation, passed an order on 19-12-1997 without conducting any enquiry by imposing a penalty of deferment of annual increment for a period of two years, which shall have effect on his future increments. Hence, the petitioner filed this writ petition.

2. The grievance of the petitioner is that since it is a major punishment, it cannot be maintained unless it is imposed after holding an enquiry and giving an opportunity to him. Therefore, he approached this Court through this writ petition to declare that the action of the respondent is illegal and to direct the respondent to add the deferred increments.

3. It is well settled that denial of increments with cumulative effect tantamount to a major penalty, and such penalty cannot be imposed by the disciplinary authority, without holding a regular departmental enquiry in terms of relevant service regulations.

4. Having regard to the facts and circumstances of the case, the punishment of major penalty of deferment of annual increment for a period of two years with cumulative effect, imposed by the respondent, can be reduced with slight modification. Therefore, the impugned order of punishment is modified as deferment of annual increment for a period of two years without cumulative effect. The petitioner is not entitled for the difference of the amount, if any, by virtue of this Order, but he is entitled to get the increment on notional calculation from the date of this order, to which, he is entitled.

5. The writ petition is, accordingly, disposed of. No costs.

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K.C.BHANU, J.

Dated: 20-04-2005.

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To:

1. The Depot Manager,
APSRTC, Narkatpally Bus Depot,
Nalgonda District.

2. Two C.D.Copies.